THE BOMBAY AGRICULTURAL PRODUCE MARKETS ACT, 1939.

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title and extent.
2. Definitions.

CHAPTER II.

CONSTITUTION OF MARKETS AND MARKET COMMITTEES.

3. Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.
4. Declaration of market areas.
4A. Declaration of market yards.
5. Establishment of market committees.
5A. Issue of licences to operate in market.
6. Constitution of market committees.

CHAPTER III.

INCORPORATION OF MARKET COMMITTEE: ITS POWERS AND DUTIES.

7. Incorporation of market committee.
8. Appointment of sub-committees and joint-committees; delegation of powers.
9. Appointment and salaries of servants of the market committee.
10. Execution of contracts.
11. Power to levy fees.
12. Certain differences regarding construction of rules, etc., about weights and measures to be decided by market committee.
13. Market Committee Fund.
14. Purposes for which the fund shall be expended.
15. Power to borrow.
16. Acquisition of land for purposes of this Act.

CHAPTER IV.

TRADE ALLOWANCES.

17. No trade allowance permissible except as prescribed.

SECTIONS.

CHAPTER V.

MISCELLANEOUS.

18. Liability of members of market committee to removal from office.
18A. Members to be held responsible for misapplied funds.
18B. Duty of officers and members to furnish information to Director and other authorized officers.
18C. Power to enforce attendance.
19. Supersession of market committee.
20. Penalty for contravention of section 4.
21. Penalty for making or recovering trade allowance other than an allowance prescribed by rules or bye-laws made under this Act.
21A. Penalty for contravening provisions of section 18B.
21B. Chairman, Vice-Chairman, members, secretary and servants of market committee to be public servants.
22. Bar of suit in absence of notice.
23. Trial of offences.
24. Recovery of sums due to Government from market committee.
25. Power of the State Government to delegate its powers.
26. Rules.
27. Bye-laws.
28. Power of State Government to call for proceedings of market committee and to pass orders thereon.
29. Power of State Government to amend the schedule.
29A. Validation of acts of Directors.
30. Savings.
31. Repeal of Bom. XVII of 1927.

BOMBAY ACT No. XXII OF 1939.[1]

[THE BOMBAY AGRICULTURAL PRODUCE MARKETS ACT, 1939.]

[*2nd November 1939*]

Amended by Bom. 37 of 1948.
Adapted and modified by the Adaptation of Laws Order 1950.
Amended by Bom. 26 of 1951.
,, ,, ,, 36 of 1953.
,, ,, ,, 21 of 1954.
,, ,, ,, 23 of 1954.
,, ,, ,, 2 of 1955.

An Act to provide for the better regulation of buying and selling of agricultural produce and the establishment of markets for agricultural produce in the Province of Bombay.

WHEREAS it is expedient to provide for the better regulation of buying and selling of agricultural produce in the Province of Bombay and establishment of markets for agricultural produce ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. and extent.

1. (*1*) This Act may be called the Bombay Agricultural Produce Markets Act, 1939.

(*2*) It extends to the whole of the [2][State] of Bombay.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "Agricultural Produce" includes all produce of agriculture, horticulture and animal husbandry specified in the Schedule ;

(*ii*) "Agriculturist" means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production or growth of agricultural produce, but does not include a dealer or broker in agricultural produce although such a dealer or broker may also be engaged in the production or growth of agricultural produce ;

(*iii*) "Bye-laws" means bye-laws made under section 27 ;

[3][(*iv*) "Director" means the Director of Agricultural Marketing and Rural Finance for the [2][State] of Bombay ;]

(*v*) "Market" means a market established for the purposes of this Act ;

(*vi*) "Market Area" means any area declared to be a market area under section 4 ;

(*vii*) "Market committee" means a committee established under section 5 ;

[4](*vii-a*) [5]* * * * *

(*viii*) "Municipality" includes a notified area committee ;

(*ix*) "Prescribed" means prescribed by rules made under section 26 ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1939, Part V, p. 471 or Bombay Legislative Assembly Debates, 1939, Vol. 7, p. 2372 ; or Bombay Legislative Council Debates, 1939, Vol. 8. pp. 447-48 ; for report of the Select Committee, *see Bombay Government Gazette*, 1939, Part V, pp. 475-77 or Bombay Legislative Council Debates, 1939, Vol. 8, pp.448-50 ; for Proceeding in Assembly, *see* Bombay Legislative Assembly Debates, 1939, Vol. 7, pp. 2141-82, 2185-90 ; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 8, pp.12-44, 46-53, 68-71, 189-90.

[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[3] This clause was substituted for the original by Bom. 57 of 1948, s. 2. All acts done by the Director of Rural Development for the Province of Bombay before the coming into force of the said Act have been saved by section 29A, *infra*.

[4] This clause was inserted by Bom. 26 of 1951, s. 2.

[5] This clause was deleted by Bom. 23 of 1954, s. 2(*1*).

[1][(*ixaa*) "Principal market yard" means an enclosure, building or locality declared to be a principal market yard under section 4A ;]

[2][(*ixa*) "Retail sale" means a sale of any agricultural produce not exceeding such quantity as a market committee may by bye-laws made under section 27 determine to be a retail sale in respect of such agricultural produce ;]

(*x*) "Rules" means rules made under section 26 ;

(*xi*) "Schedule" means Schedule to this Act ;

[3][(*xii*) "Sub-market yard" means an enclosure, building or locality declared to be a sub-market yard under section 4A.]

(*2*) If a question arises whether any person is or is not an agriculturist for the purpose of this Act the decision of the [4][State] Government on such question shall be final.

CHAPTER II.

CONSTITUTION OF MARKETS AND MARKET COMMITTEES.

Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.

3. (*1*) The [4][State] Government may, by notification in the *Official Gazette*, declare its intention of regulating the purchase and sale of such agricultural produce and in such area, as may be specified in the notification. Such notification may also be published in the regional languages of the area, and in such other manner as the [4][State] Government may deem fit :

[5][Provided that no area within the limits of a municipality shall be included in the area specified in such notification except after consultation with the municipality concerned.]

(*2*) A notification under sub-section (*1*) shall state that any objection or suggestion which may be received by the [4][State] Government within a period of not less than one month to be specified in the notification shall be considered by the [4][State] Government.

Declaration of market areas.

4. (*1*) After the expiry of the period specified in the notification, issued under section 3 and, after considering such objections and suggestions as may be received before such expiry and after holding such inquiry as may be necessary, the [4][State] Government may, by notification in the *Official Gazette*, declare the area specified in the notification under section 3 or any portion thereof to be a market area for the purposes of this Act in respect of all or any of the kinds of agricultural produce specified in the said notification. A notification under this section may also be published in the regional languages of the area in a newspaper circulated in the said area and may also be published in such other manner as the [4][State] Government may deem fit.

[6][(*2*) On and after the date on which any area is declared to be a market area under sub-section (*1*), no place in the said area shall, subject to the provisions of section 5A, be used for the purchase or sale of any agricultural produce specified in the notification issued thereunder :

Provided that pending the establishment of a market in such area under section 5, the State Government may grant a licence to any person to use any place in the said area for the purchase or sale of any such agricultural produce.]

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[1] This clause was inserted, by Bom. 23 of 1954, s. 2(*2*).
[2] This clause was inserted by Bom. 57 of 1948, s. 2.
[3] Clause (*xii*) was added by Bom. 23 of 1954, s. 2 (*3*).
[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[5] This proviso was added by Bom. 36 of 1953, s. 2.
[6] Sub-sections (*2*), (*2A*) and (*2B*) were substituted for the original sub-section (*2*), *ibid.* s. 3.

[1][(*2A*) Nothing in sub-section (*2*) shall apply to the purchase or sale of such agricultural produce, if the producer of such produce is himself its seller and the purchaser is a person who purchases such produce for his own private use or if such agricultural produce is sold to such person by way of a retail sale.

[(*2B*) On and after the date on which any area is declared to be a market area under sub-section (*1*), no municipality or any other local authority, notwithstanding anything contained in any enactment relating to such municipality or authority, shall be competent to establish, authorise or allow to be established any place in the said area for the purchase or sale of any agricultural produce specified in the notification issued under sub-section (*1*).]

(*3*) The [2][State] Government may, on the report of the Director or the Collector or of the market committee or an officer appointed by the [2][State] Government in this behalf and after such inquiry as it deems fit to make, suspend or cancel any licence granted under sub-section (*2*).

(*4*) Subject to the provisions of section 3, the [2][State] Government may at any time by notification in the *Official Gazette* exclude from a market area any area or any agricultural produce comprised therein or include in any market area any area or any agricultural produce included in a notification issued under section 3.

Declaration of market yards.

[3][**4A.** (*1*) For each market area there shall be one principal market yard and one or more sub-market yards, as may be necessary.

(*2*) The State Government may, by notification in the *Official Gazette*, declare any enclosure, building or locality in any market area to be a principal market yard for the area and other enclosures, buildings or localities to be one or more sub-market yards for the area :

Provided that out of the enclosures, buildings or localities declared to be market yards before the commencement of the Bombay Agricultural Produce Markets (Amendment) Act, 1954, one shall be declared to be the principal market yard for the market area and others, if any, to be one or more sub-market yards for the area, subject to such variation as may be necessary.

Bom. XXIII of 1954.

Establishment of market committees.

5. The [2][State] Government shall establish a market committee for every market area in respect of the agricultural produce for which said area is declared to be a market area under section 4. It shall be the duty of the market committee to enforce the provisions of this Act, the conditions of a licence granted under sub-section (*2*) of section 4 and the rules and bye-laws made under this Act in such market area [4]* * * *
and when so required by the [2][State] Government to establish a market therein providing for such facilities as the [2][State] Government may from time to time direct, in connection with the purchase and sale of the agricultural produce concerned.

Issue of licences to operate in market.

[5][**5A.** Where a market is established under section 5, the market committee may issue licences in accordance with the rules to traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons to operate in the market :

Provided that no such licence shall be necessary in the case of a person to whom a licence has been granted under sub-section (*2*) of section 4.

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[1] Sub-sections (*2*), (*2A*) and (*2B*) were substituted for the original sub-section (*2*), by Bom. 36 of 1953, s. 3.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] Section 4A was inserted by Bom. 23 of 1954, s. 3.

[4] The words, brackets and figures "and within the distance thereof notified under sub-section (*2*) of section 4" were repealed by Bom. 21 of 1954, s.2 First Schedule

[5] Section 5A was inserted by Bom. 36 of 1953, s. 4.

6. [1][(*1*) Every market committee shall be constituted as prescribed and shall consist of the following fifteen members, namely :—

(*i*) seven shall be persons elected by such organizations of agriculturists in the area for which it is established as the State Government may prescribe and where no such organizations exist, by the agriculturists residing in the said area in the manner prescribed ;

(*ii*) four shall be persons elected by the traders approved by the market committee in the prescribed manner :

Provided that one seat out of the members to be elected under this clause shall be reserved for such class of co-operative societies as the State Government may prescribe ;

(*iii*) elected by local authorities as follows :—

(*a*) if in a market area the principal market yard is wholly situated within the limits of a local authority, one person shall be elected by the councillors or members of such local authority ;

(*b*) if in a market area the principal market yard and other sub-market yard or yards are situated within the limits of different local authorities, one person shall be elected by the councillors or members of the local authority within the limits of which the major portion of the principal market yard is situated and one person shall be elected in the prescribed manner by the other local authorities within the limits of which the remaining portion of the principal market yard and sub-market yards either wholly or partially are situated :

Provided that a person to whom a licence has been granted under sub-section (*2*) of section 4 shall not be eligible for election under this clause ;

(*iv*) nominated as follows :—

(*a*) where in the circumstances mentioned in clause (*iii*) the number of persons to be elected by a local authority is one, three persons shall be nominated by the State Government ;

(*b*) where in the circumstances mentioned in clause (*iii*) the number of persons to be so elected is two, two persons shall be nominated by the State Government :

Provided that the State Government may, at any time, reduce the number of nominated members for any market committee and in their place increase the number of members to be elected under clause (*i*) or (*ii*), as it thinks fit.]

(*2*) Notwithstanding anything contained in sub-section (*1*)—

(*a*) on the failure of any organisation, person or authority to elect a member under sub-section (*1*) within a period of [2][three months] from the date of the occurrence of the vacancy, the [3][State] Government shall give notice in writing to the organisation, person or authority concerned to elect a member within a month from the date of such notice and on the failure of the organisation, person or authority again to elect a member within the said period, the [3][State] Government shall nominate a person on behalf of such organisation, person or authority as a member of the market committee ; and

(*b*) subject to the provisions of section 31, when a market committee is constituted for the first time all the members of the market committee shall be persons nominated by the [3][State] Government.

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[1] Sub-section (*1*) was substituted for the original, by Bom. 23 of 1954, s. 4.
[2] These words were substituted for the words "six months" by Bom. 26 of 1951, s. 3 (*2*).
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*3*) Every member of a market committee elected or nominated when it is first constituted shall hold office for a term of two years [1][from the date of the first general meeting of the market committee] and every such member elected or nominated thereafter shall hold office for a term of three years :

* * * * * *

[3](*3A*) The term of office of the outgoing members of a market committee shall be deemed to extend to and expire with the day before the date of the first general meeting of the market committee constituted in its place.

(*3B*) A member elected under sub-section (*1*) shall cease to hold office as such member if he ceases to be a member of the electorate by which or one of the persons by whom he was elected and in the case of a member elected under clause (*iii*) of the said sub-section if he is granted a licence under sub-section (*2*) of section 4.]

(*4*) If at any time a vacancy occurs through the non-acceptance of office by a person elected or nominated or through the death, disqualification or resignation of a member [4][or in the event of his ceasing to be a meleter,] before the expiry of his term of office, the vacancy shall be filled up by the election or nomination, as the case may be, of a person thereto in the manner specified above. Every such person shall hold office so long only as the member in whose place he is elected or nominated would have held it if the vacancy had not occurred.

(*5*) Every market committee shall elect one of its members to be its chairman [5][and another member to be its vice-chairman.]

[6][(*) No act done by a market committee shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the committee.]

CHAPTER III.

Incorporation of Market Committee : Its Powers and Duties.

7. Every market committee shall be a body corporate by such name as the [7][State] Government may specify by notification in the *Official Gazette*. It shall have perpetual succession and a common seal, may sue and be sued in its corporate name and shall be competent to acquire and hold, lease, sell or otherwise transfer any property and to contract and to do all other things necessary for the purposes for which it is established. Incorporation of market committee.

[1] These words wreinsed iserte by Bom. 57 of 1948, s. 4.
[2] The proviso was deeted by Bom. 26 of 1951, s. 3 (*3*).
[3] Sub-sections (*3A*) and (*3B*) were inserted, *ibid.*
[4] Theese words were inserted, *ibid.*, s. 3 (*4*).
[5] Thse words were added by Bom. 57 of 1948, s. 4.
[6] Ths sub-section was inserted by Bom. 26 of 1951, s. 3 (*5*).
[7] Tih word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950,

Appointment of sub-committees and joint-committees: delegation of powers.

8. The market committee may appoint one or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or to report on any matter or matters and may delegate to such committee or any one or more of its members such of its powers or duties as it may think fit.

Appointment and salaries of servants of the market committee.

9. (*1*) The market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the market committee thinks fit. The market committee shall, in the case of any officer or servant of Government whom it employs, pay such pension contribution, gratuity or leave allowance as may be required by the conditions of his service under the [1][Government] for the time being in force.

(*2*) The market committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper, and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(*3*) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the [2][State] Government.

Execution contracts.

10. (*1*) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by its chairman and two other members of the committee.

(*2*) No contract other than a contract executed as provided in sub-section (*1*) shall be binding on the market committee.

Power to levy fees.

11. The market committee may subject to the provisions of rules and subject to such maxima as may be prescribed levy fees on the agricultural produce bought and sold by licensees in the market area.

Certain differences regarding construction of rules, etc., about weights and measures to be decided by market committee

12. (*1*) Notwithstanding anything contained in the Bombay Weights and Measures Act, 1932, if any difference arises between an inspector appointed under section 19 of the said Act and any person interested as to the meaning or contruction of any rule or regulation or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument in any market area such difference may at the request of the persons interested or by the inspector of his own accord be referred to the market committee and the decision of the market committee shall, subject to the provisions of sub-section (*2*), be final and shall be deemed to have been given under section 25 of the Bombay Weights and Measures Act, 1932.

Bom. XV of 1932.

Bom. XV of 1932.

(*2*) An appeal shall lie within the time prescribed from the decision under sub-section (*1*) to the [2][State] Government or such officer as the [2][State] Government may appoint in this behalf. The decision of the [2][State] Government or such officer shall be final.

Market Committee Fund.

13. (*1*) All monies received by a market committee shall be paid into a fund to be called "the market committee fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the market committee after such expenditure has been met shall be invested as may be prescribed in this behalf.

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Provincial", *ibid.*

(*2*) Every market committee shall pay to the [1][State] Government the cost of any additional or special staff employed by the [1][State] Government in consultation with such market committee for giving effect to the provisions of this Act in the market area for which such market committee is established.

(*3*) The [1][State] Government shall determine the cost of such additional or special staff and shall, when the staff is employed for the purposes of more than one market committee apportion such cost among the committees concerned in such manner as it thinks fit. The decision of the [1][State] Government determining the amount payable by any market committee shall be final.

Purposes for which the fund shall be expended.

14. Subject to the provisions of section 14, the market committee fund shall be expended for the following purposes, namely:—

(*1*) The acquisition of a site or sites for the market;

(*2*) the maintenance and improvement of the market;

(*3*) the construction and repair of buildings necessary for the purposes of such market and for the health, convenience and safety of the person using it;

(*4*) the provision and maintenance of standard weights and measures;

(*5*) the pay, pensions, leave allowances, gratuities, compensations for injuries resulting from accidents, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by it;

(*6*) the expenses of and incidental to elections;

(*7*) the payment of interest on the loans that may be raised for the purposes of the market and the provision of sinking fund in respect of such loans;

(*8*) the collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce notified under section 4;

(*9*) payments of the cost referred to in sub-sections (*2*) and (*3*) of section 13; and

(*10*) propaganda in favour of agricultural improvement.

Power to borrow.

15. (*1*) A market committee may, with the previous sanction of the [1][State] Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(*2*) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the [1][State] Government.

(*3*) The conditions subject to which such money or loan shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the [1][State] Government.

Acquisition of land for purposes of this Act.

[2][**16.** (*1*) If, at any time after a notification is issued under sub-section (*1*) of section 4, the State Government is of opinion that any land is needed for the purposes of this Act, the State Government may proceed to acquire it under the provisions of the Land Acquisition Act, 1894, or any other law for the time being in force. I of 1894.

(*2*) When such land vests in the State Government it shall be transferred by the State Government to the market committee, on payment by the market committee of the compensation awarded under the Land Acquisition Act, 1894, or any other law for the time being in force and of all other charges incurred by the State Government on account of the acquisition, within such period and in such manner as the State Government may, by general or special order, determine and on such transfer the land shall vest in the market committee]. I of 1894.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] Section 16 was substituted for the original by the Bom. 36 of 1953, s. 6

CHAPTER IV.

TRADE ALLOWANCES.

No Trade allowance permissible except as prescribed.

17. No person shall make or recover any trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, in any market area in any transaction in respect of the agricultural produce concerned and no civil court shall, in any suit or proceeding arising out of any such transaction, have regard to or recognise any trade allowance not so prescribed.

Explanation.—Every deduction other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual weight of the container and the standard weight or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this section.

CHAPTER V.

MISCELLANEOUS.

Liability of members of market committee to removal from office.

18. (*1*) The [1][State] Government may, if it thinks fit, on the recommendation of the market committee supported by at least two-thirds of the whole number of members, remove any member of the market committee elected or nominated under this Act, if such member has, in the opinion of the [1][State] Government, been guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member :

Provided that no resolution recommending the removal of any member shall be passed by the market committee unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(*2*) The decision of the [1][State] Government under sub-section (*1*) shall be final.

Members to be held responsible for misapplied funds.

[2][**18A.** Every member of the market committee shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a member, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of the State Government :

Provided that no member shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the market committee ; the funds at the disposal of the market committee shall be liable for, and be charged with, all costs in respect of any such contract and agreement and all such expenses.

Duty of officers and members to furnish information to Director and other authorized officers.

18B. When the affairs of a market committee are investigated or the proceedings of such committee are examined by the Director or any other officer to whom the powers of the State Government have been delegated under section 28, all officers and members of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the committee as the Director or such officer may require.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] Sections 18A, 18B and 18C were inserted by Bom. 23 of 1954, s. 5.

Power to enforce attendance.

18C. An officer investigating the affairs of a market committee or examining the proceedings of such committee under section 18B shall have the power to summon and enforce the attendance of officers or members of the market committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.] V of 1908.

Supersession of market committee.

19. (*1*) If in the opinion of the [1][State] Government a market committee is not competent to perform or persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers the [1][State] Government may, by notification in the *Official Gazette*, supersede such market committee :

Provided that before issuing a notification under this sub-section, the [1][State] Government shall give a reasonable opportunity to the market committee for showing cause why it should not be superseded and shall consider the explanations and objections, if any, of the market committee.

(*2*) Upon the publication of a notification under sub-section (*1*) superseding a market committee the following consequences shall ensue—

(*i*) all the members as well as the chairman of the market committee shall as from the date of such publication be deemed to have vacated their offices ;

(*ii*) the [1][State] Government may, at their discretion, by order, either constitute a new market committee under section 6 or make such arrangements for the carrying out of the functions of the market committee, as it may think fit ; and

(*iii*) all the assets vesting in the market committee shall, subject to all its liabilities vest in the [2][State Government].

(*3*) If the [1][State] Government makes an order under clause (*ii*) of sub-section (*2*), it shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new market committee constituted under section 6 or to the person or persons, if any, appointed for carrying out the functions of the market committee, as the case may be.

(*4*) If the [1][State] Government does not make such an order, it shall transfer all the assets of the market committee which remain after the satisfaction of all its liabilities, to the local authority within whose jurisdiction the market committee is situated or if there are more than one such authorities to each of such authorities any such portion of the assets as the [1][State] Government may determine.

(*5*) A local authority to which the assets of a market committee have been transferred under sub-section (*4*) shall utilise such assets for such object in the area within its jurisdiction as the [1][State] Government considers to be for the benefit of the agriculturists in that area.

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[1] This word was substituted for the word "' Provincial" , by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words " Crown for purposes of the Province " by the Adaptation of Laws Order, 1950.

Penalty for contravention of section 4.

20. Whoever contravenes the provisions of section 4 shall, on conviction, be punishable with fine which may extend to five hundred rupees, and in the case of a continuing contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after first conviction.

Penalty for making or recovering trade allowance other than an allowance prescribed by rules or bye-laws made under this Act.

21. Whoever, in contravention of the provisions of section 17, makes or recovers any trade allowance other than an allowance prescribed by rules or bye-laws made under this Act shall, on conviction, be punishable with fine which may extend to Rs. 200.

Penalty for contravening provisions of section 18B.

[1][21A. If any officer or member of a market committee, when required to furnish information in regard to the affairs or proceedings of a market committee under section 18B,—

(*a*) wilfully neglects or refuses to furnish any information, or

(*b*) wilfully furnishes a false information,

he shall, on conviction, be punished with fine which may extend to Rs. 50.]

Chairman Vice-Chairman, members, secretary and servants of market committee to be public servants.

[2][21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.]

XLV of 1860.

Bar of suit in absence of notice.

22. (*1*) No suit shall be instituted against any market committee or any member, officer or servant thereof or any person acting under the direction of any such market committee member, officer or servant for anything done or purporting to be done, in good faith as such member, officer or servant under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a market committee, delivered or left at its office, and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered or left.

(*2*) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(*3*) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Trial of offences.

23. (*1*) No offence under this Act, or any rule or bye-law thereunder shall be tried by a Court other than that of a Presidency Magistrate or a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf.

(*2*) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee in this behalf.

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[1] Section 21A was inserted by Bom. 23 of 1954, s. 6.

[2] Section 21B was inserted by Bom. 2 of 1955, s. 3, Second Schedule.

Recovery of sums due to Government from market committee.

24. Every sum due from market committee to the [1][State] Government shall be recoverable as an arrear of land revenue.

Power of the [1][State] Government to delegate its powers.

25. The [1][State] Government may delegate to any officer any of the powers conferred on it by or under this Act.

Rules.

26. (*1*) The [1][State] Government may, either generally or specially for any market area or market areas, make rules for the purposes of carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for or regulate :—

(*a*) the election and nomination of members of the market committee, the manner of election, the preparation and revision of lists of voters from time to time and the payment of all expenditure in connection with or incidental to such election ;

(*b*) the powers to be exercised [2][and the duties to be performed] by the market committee [3][and its chairman] ;

(*c*) the election of the chairman [1][and the vice-chairman] of the market committee and [4][their] term of office ,

(*d*) the filling of casual vacancies in the office of chairman, [5][vice-chairman] or member of the market committee ;

[6][(*e*) the management of the market, maximum fees which may be levied by the market committee in respect of agricultural produce bought and sold by persons holding a licence under the Act in the market area ;]

(*f*) the issue of licenses to [7][traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons operating in the market] the form in which, and the conditions subject to which such licenses shall be issued or renewed [8]* * * * * * and the fees to be charged therefor ;

(*g*) the kind and description of the weights and measures and the weighing and measuring instruments which alone shall be used in transactions in the agricultural produce in a market area ;

(*h*) the periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area ;

(*i*) the manner of control and supervision to be exercised by the market committee over inspectors appointed under section 19 of the Bombay Weights and Measures Act, 1932 ; Bom. XV of 1932.

(*j*) the time within which an appeal shall lie to the [1][State] Government or the Officer appointed by it in that behalf under sub-section (*2*) of section 12 ;

(*k*) the trade allowance which may be made or received by any person in any transaction in the agricultural produce in a market area ;

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were inserted by Bom. 57 of 1948, s. 5.
[3] These words were inserted by Bom. 26 of 1951, s. 4 (*1*).
[4] This word was substituted for the word "his", *ibid.*
[5] This word was inserted, *ibid.*
[6] This clause was substituted for the original, *ibid.*
[7] These words were substituted for the words "brokers, weighmen, measurers and surveyors" *ibid.*
[8] The words "and the conditions subject to which the licensees shall carry on their business" were deleted, *ibid.*

(*l*) the provision of facilities for the settlement of any dispute between a buyer and seller of agricultural produce or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, containers, dirt or impurities or deductions from any cause ;

(*m*) the prohibition of brokers from acting in any transaction on behalf of both the buyer and seller of agricultural produce or as a buyer or seller ;

(*n*) the provision of accommodation for storing any agricultural produce brought into the market ;

(*o*) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

(*p*) the form in which the accounts of a market committee shall be kept, the audit [1][inspection] and publication of such accounts [2][the] charges, if any, to be made for such audit [3][and the inspection of audit memoranda of the accounts and supply of copies of such memoranda] ;

(*q*) the preparation and submission for sanction of the annual budget and the report and returns to be furnished by a market committee ;

(*r*) the investment and disposal of the surplus funds of a market committee ;

(*s*) the regulation of advances, if any, given to agriculturists by brokers [4][commission agents or traders] ;

(*t*) the prevention of adulteration of the agricultural produce ;

(*u*) the grading and standardisation of the agricultural produce ;

(*v*) the keeping of a list of prices of agricultural produce in respect of which the market is established ;

[5][(*w*) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market ;

(*x*) the recovery and disposal of fees leviable by or under the Act].

(*3*) Any rule made under this Act may provide that any contravention thereof or of any of the conditions of any license issued or renewed thereunder shall, on conviction, be punishable with fine which may extend to Rs. 200.

(*4*) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(*5*) Rules made under this section shall be laid before each of the [6][Houses] of the [7][State] Legislature at the session thereof next following and shall be liable to be modified or rescinded by a resolution in which both [6][Houses] concur and such rules shall, after notification in the *Official Gazette*, be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of the [7][State] Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the [7][State] Government may, by notification in the *Official Gazette*, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

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[1] The word " inspection ", was inserted by Bom. 23 of 1954, s. 7.
[2] This word was substituted for the words " and the " by Bom. 26 of 1951, s. 4 (2).
[3] These words were inserted, *ibid.*
[4] These words were substituted for the words " or dalal " by Bom. 57 of 1948, s. 5.
[5] These clauses were inserted, *ibid.*
[6] This word was substituted for the word " chambers " by the Adaptation of Laws Order, 1950.
[7] This word was substituted for the word " Provincial " *ibid.*

Bye-laws.

27. (*1*) Subject to any rules made by the [1][State] Government under section 26 and with the previous sanction of the Director or any other officer specially empowered in this behalf by the [1][State] Government, the market committee may in respect of the market area under its management make bye-laws for the regulation of the business and the conditions of trading therein.

(*2*) Any bye-law made under this section may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to [2][Rs. 100].

Power of [1][State] Government to call for proceedings of market committee and to pass orders thereon.

28. The [1][State] Government may at any time call for and examine the proceedings of any market committee for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by the market committees under the rules. If in any case, it appears to the [1][State] Government that any decision or order or proceedings so called for should be modified, annulled or reversed, the [1][State] Government may pass such order thereon as it thinks fit.

Power of [1][State] Government to amend the Schedule.

29. The [1][State] Government may, by notification in the *Official Gazette* add to, amend or cancel any of the items of agricultural produce specified in the Schedule.

Validation of acts of Directors.

[3][**29A.** Notwithstanding anything contained in this Act, all reports submitted under sub-section (*3*) of section 4 and sanctions given to bye-laws under sub-section (*1*) of section 27 and all things done by or on behalf of the Director of Agricultural Marketing and Rural Finance for the Province of Bombay purporting to act in exercise of the powers as the Director before the date on which the Bombay Agricultural Produce Markets (Amendment) Act, 1948, came into force, shall be deemed to be and always to have been validly submitted, given or done, as the case may be, as required by or under this Act and shall not be deemed to be invalid or called in question merely on the ground that such report was submitted or sanction was given or thing was done by or on behalf of the said Director of Agricultural Marketing and Rural Finance before the said date].

Bom. LVII of 1948.

Savings.

30. Nothing contained in the Markets and Fairs Act, 1862, or in any law for the time being in force relating to the establishment, maintenance or regulation of a market shall apply to any market area or affect in any way the powers of a market committee or the rights of a holder of a license granted under sub-section (*2*) of section 4 to set up, establish or continue or to allow to be set up, established or continued, any place for the purchase or sale of any agricultural produce notified under sub-section (*1*) of section 4 in such area [4][or the rights of a holder of a licence granted under section 5A.]

Bom. IV of 1862.

Repeal of Bom. XVII of 1927.

31. The Bombay Cotton Markets Act, 1927, is hereby repealed :

Provided that, notwithstanding anything contained in section 6, any local area declared to be a cotton market under section 4 of the Bombay Cotton Markets Act, 1927, shall be deemed to be a market area under this Act and the market committee constituted for the said market under section 5 of the said Act and holding office immediately prior to the date on which this Act comes into force shall be deemed to be the market committee under this Act for the said market area. All the members of such committee shall be deemed to be members nominated by the [1][State] Government under sub-section (*2*) of section 6.

Bom. XVII of 1927.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These letters and figures were substituted for the letters and figures "Rs. 50" by Bom. 36 of 1953, s. 7.
[3] This section was inserted by Bom. 57 of 1948, s. 6.
[4] This portion was inserted by Bom. 36 of 1953, s. 8.

SCHEDULE.

[*See* SECTION 2 (*1*) (*i*)]

I. *Fibres*—

(1) Cotton (ginned and unginned).
[1][(2) Sanhemp.]

II. *Cereals*—

(1) Wheat.
(2) Paddy (husked and unhusked).
(3) Jowar.
(4) Bajri.
(5) Nagli.
(6) Vari.
(7) Kodra.
(8) Maize.
[1][(9) Sarsav.]
[2][(10) Bavto.]
[3][(11) Barley.]
[4][(13) Banti.
(14) Chino.]

III. *Pulses*—

(1) Tur.
(2) Gram.
(3) Udid.
(4) Mung.
(5) Val.
[5][(6) Chola.
(7) Lang.
(8) Math.]
[6][(9) Peas.]
[7][(10) Kulthi.
(11) Splits (Dal) of pulses.]
[8][(12) Masur.]

IV. *Oilseeds*—

(1) Groundnut (shelled and unshelled).
(2) Linseed.
(3) Sesamum.
(4) Safflower.
(5) Ambadi.
(6) Cocoanut.

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[1] This entry was added by G. N., R. D., No. 7590/45, dated the 16th March 1948.
[2] This entry was added by G. N., R. D., No. 7905/45(*a*), dated the 13th May 1948.
[3] This entry was added by G. N., R. D., No. 7171/45, dated the 6th August 1948.
[4] These entries were added by G. N., D. D., No. PMA. 2951, dated the 5th March 1951.
[5] These entries were added by G. N., R. D., No. 7590/45, dated the 16th March 1948.
[6] This entry was added by G. N., R. D., No. 6839/45, dated the 12th August 1949.
[7] These entries were added by G. N., D. D., No. 191, dated the 15th June 1950.
[8] This entry was added by G. N., D. D., No. PMA, 2950, dated the 20th November 1950.

(7) Cotton seed.
(8) Castor seed.
[1][(9) Khursani].
[2][(10) Niger-seed].

V. *Narcotics*—
(1) Tobacco.

[3][VI. *Gul, sugar and sugarcane.*]
VII. *Fruits*—
(1) Mango.
(2) Mosambi.
(3) Santra.
(4) Lemon.
(5) Banana.
(6) Grapes.
(7) Pomegranate.
(8) Fig.
(9) Chickoo.
(10) Strawberry.
(11) Melons.
[4][(12) Water Melon.
(13) Papaya.
(14) Guava.
(15) Bor.
(16) Falsa].

VIII. *Vegetables*—
(1) Potato.
(2) Onion.
(3) Tomato.
(4) Suran.
(5) Leafy and fresh vegetables.
[5][(6) Yam.
(7) Sweet potatoes.]
[6][(8) Kochara.]

IX. *Animal Husbandry Products*—
(1) Eggs.
(2) Poultry.
(3) Cattle.
(4) Sheep.
(5) Goat.
(6) Wool.
(7) Butter.
(8) Ghee.
(9) Milk.

[1] This entry was added by G. N., R. D., No. 6839/45, dated the 12th August 1949.
[2] This entry was added by G. N., D. D., No. 191, dated the 28th October 1949.
[3] This item was substituted for the original by G. N., R. D., No. 991/33, dated the 5th April 1941.
[4] These entries were added by G. N., D. D., No. 2863/45-V, dated the 26th September 1949.
[5] These entries were added by G. N., R. D., No. 7590/45, dated the 16th March 1948.
[6] This entry was added by G. N., D. D., No. 191, dated the 28th October 1949.

X. *Condiments, spices and others—*

(1) Turmeric.
(2) Ginger.
(3) Garlic.
(4) Corriander.
(5) Chillies.
(6) Cardamom and pepper.
(7) Variali.
(8) Betelnuts.
(9) Betel leaves.
(10) Cashewnuts.
[1][(11) Cummin (Jiru).
(12) Rai.
(13) Methi.]
[2][(14) Isabgul.]

XI. *Grass and fodder.*

[3][XII. *Cattle Feeds—*

(1) Guwar.
(2) Punvad.]

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[1] These entries were added by G. N., R. D., No. 7905/45(a), dated the 13th May 1948.
[2] This entry was added by G. N., D. D., No. PMA., 2951, dated the 5th March 1951.
[3] This item was added by G. N., D. D., No. 191, dated the 28th October 1949.